

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IMMERSION CORPORATION,
Plaintiff,
v.
FITBIT, INC.,
Defendant.

Case No. 17-CV-03886-LHK
**REVISED TENTATIVE ORDER RE
CLAIM CONSTRUCTION**
Re: Dkt. Nos. 66, 70, 71

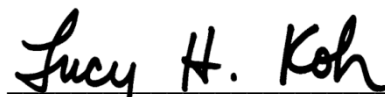
The Court held a claim construction hearing on June 21, 2018. Having considered the parties’ arguments and claim construction briefing, the relevant law, and the record in this case, the Court’s revised tentative ruling is as follows.

Issue	Tentative Ruling
Whether judicial estoppel precludes Fitbit from asserting an indefiniteness argument	Judicial estoppel does not preclude Fitbit from asserting an indefiniteness argument
Construction of “user-independent event” (claim 19 of ’105 Patent)	Plain and ordinary meaning

1	Construction of “haptic feedback device” (claim 19 of ’105 Patent)	“A device that provides haptic feedback”
2	Construction of “one or more processors configured to receive an input signal and generate a force signal based on the input signal, wherein the input signal is associated with a user-independent event” (claim 19 of ’105 Patent); whether the term is indefinite	Indefinite. <u>Function</u> : “receive an input signal and generate a force signal based on the input signal, wherein the input signal is associated with a user-independent event” <u>Structure</u> : The corresponding structure for “one or more processors” is a microprocessor or other electronic controller, or equivalents thereof. The specification fails to disclose a sufficiently specific algorithm for carrying out the function on the microprocessor or other electronic controller, such that the claim term is indefinite.
3	Construction of “generate a force signal based on the input signal” (claim 19 of ’105 Patent)	No construction necessary given that claim 19 is indefinite.
4	Construction of “periodic” (claim 14 of ’299 Patent)	“Occurring at regular intervals”
5	Construction of “a processing device that receives the sensor output and accumulates counts associated with the sensor output, the processing device providing an output to the vibrotactile device once a threshold associated with the accumulated counts is reached” (claim 14 of ’299 Patent); whether the term is indefinite	Not indefinite. <u>Function</u> : “receives the sensor output and accumulates counts associated with the sensor output, and provides an output to the vibrotactile device once a threshold associated with the accumulated counts is reached” <u>Structure</u> : Processing device 22 and equivalents thereof, that performs the algorithm in Figure 3 and generating one or more electronic signals that define the form of a haptic effect

IT IS SO ORDERED.

Dated: June 21, 2018



LUCY H. KOH
United States District Judge